

January 11, 2013

Robert W. Rachal
Senior Counsel
d 504.310.4081
f 504.310.2022
rrachal@proskauer.com
www.proskauer.com

By Hand & Email

Board of Directors
Lycée Francaise de la Nouvele-Orleans
5951 Patton Street
New Orleans, Louisiana 70118

Re: Grievance Filed by Rebuilding Trust: A Lycée Working Group

Dear Board of Directors of Lycée:

Please see the attached grievance form and letter. Because of teacher and parent concerns and the tight timelines they are facing for making decisions, time is of the essence. We thus request that this grievance be added to the Board's agenda for its next scheduled meeting on Monday, January 14, 2013.

If you have any questions, please feel free to contact me. Our hope is that we can amicably resolve these issues at the board level and with the assistance of the process started with Caroline Roemer and Jeremy Hunnewell under the support of the Louisiana Department of Education ("LDE"), in lieu of proceeding formally to the charter authorizer BESE and LDE.

Sincerely,



Robert Rachal

cc: John White, Superintendent Education LDE, superintendent@la.gov
Caroline Roemer, Executive Director La. Charter School Assn.,
croemer@lacharterschools.org
Joseph Dunn, Executive Director, CODOFIL, jdunn@crt.la.gov
Faculty of Lycée
Jeremy Hunnewell, EMH, jhunnewell@emhstrategy.com
Marian Schuttee, LDE, marain.schutte@la.gov
Raphael Gang, LDE, raphale.gang@la.gov
Jacob Landry, LDE, jacob.landry@la.gov

RWR:tn

Grievance Submitted by
Rebuilding Trust: A Lycée Working Group

As a group of parents and teachers of Lycée Français de la Nouvelle-Orléans (Lycée) (collectively the “Rebuilding Trust Working Group”) we submit the following grievance to petition a state funded entity on a matter of public concern.¹ Lycée is a school worth fighting for in large part because, with parent support, the teachers have created a trusting and disciplined learning environment for the children, within the context of a stellar academic program based on the French curriculum. However, as detailed below, the recent actions of some of the members of the Board of Directors of Lycée have caused “a loss of confidence in the abilities or integrity of the school.”² The teachers are the heart and soul of Lycée, and have expressed a justified lack of confidence in the current direction and actions taken regarding Lycée. Many parents share the same concerns. There have been concerns raised regarding school funding, budgeting and contracting, which will have to be addressed promptly, and we are hopeful that the Board is already diligently working through these issues, including promptly making available online the financing, budget and contracting documents. The pressing problem that must be addressed immediately, however, and that appears to be the root cause of many of these problems, is to correct the academic and administrative governance of Lycée, and return the school to what was promised the taxpayers of Louisiana and the parents and teachers of Lycée. In addition, the school privacy issues and the need to maintain Lycée’s compliance with its obligations under the ADA, IDEA and state law regarding students with exceptionalities, must be addressed promptly.

The unprecedented intervention by the Louisiana Department of Education (“LDE”) set forth in LDE Superintendent John White’s letter of December 20, 2012, reflects recognition of these problems, and is an important and welcome part of the process to correct Lycée’s Board governance. Moreover, time is of the essence, as teachers and many parents are currently making decisions about whether they will continue to stay involved with and support Lycée. The loss of the outstanding teachers at Lycée would be catastrophic for the children and the school. Accordingly, the Rebuilding Trust Working Group requests this grievance be added to the agenda for the Board’s scheduled meeting on Monday, January 14, 2013. Our goal is to seek to resolve these issues amicably with the Board and with the assistance of the process put in place by LDE under Caroline Romer and Jeremy Hunnewell. However, if we are unable to achieve a satisfactory solution with the Board, we intend to follow the legal process and proceed next first to the Charter Authorizer, the Louisiana Board of Elementary and Secondary Education (“BESE”) and the Louisiana Department of Education (“LDE”) under their chartering and oversight responsibility pursuant to, e.g., La. R.S. Section 17:3981 & 17:3991.

¹ Signatures in support of the grievance are currently being collected. The initial signers are included with this grievance.

² See La. RSA 17:3992 C(1); Bulletin 126, Charter Schools § 1101.F.3.

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I. Background

The Lycée Charter Application dated September 10, 2010, was explicitly incorporated by reference into and relied on by BESE in executing the Lycée Charter Contract, and thereby awarding state funds to Lycée. See Lycée Charter Contract, dated June 3, 2011 at § 1.15. To date, millions of dollars in state funds have been awarded based on this application. The Lycée Charter Application's assurances are an integral part of the Charter Contract, *id.*, and the Charter Application and Charter Contract (and other exhibits) represent "a final and complete expression of the contract, which shall be considered the school's charter." *Id.* at § 6.1.1.

Pursuant to its Charter Contract, Lycée is required to conform in all respects with the educational standards set forth in its charter application and agreement. *Id.* at § 6.6.2. Such is required also by state law, which requires the charter application to include, *e.g.*, a statement of the school's role, scope and mission, and the organizational governance and operational structure, including the qualifications of the administrators and governing board members. La. R.S. 17:3991B(2) & (10). Of relevance here, Lycée has been explicitly chartered to offer its students the opportunity to earn the French Baccalauréat, and its Charter Application includes explicit commitments to the taxpayers of Louisiana and to the parents and teachers of Lycée to comply with the educational standards required to achieve that goal. Lycée Charter Application, *e.g.*, pp. 1-6, 11-17. Lycée is committed to following the high performance standards of the French national curriculum as set forth by the French Ministry of Education. *Id.* at p. 3. This pedagogical design starts in pre-kindergarten and continues through twelfth grade. *Id.* at pp. 11, 13-17, appendix pp 19-86. To achieve these pedagogical goals, Lycée committed to recruit its teachers from a pool of well-trained educators provided by the French Ministry of Education through the Council for the Development of French in Louisiana ("CODIFIL"). *Id.* at p. 5. In sum, Lycée has been chartered to be one of the first public schools within the United States to meet the educational requirements of a French school, including the ability to earn the French Baccalauréat.

The Lycée Charter Application recognized the importance of educators to its mission, including touting the experience and relevant educational skills of its proposed principal, Jill Otis, and of Board vice president Joyous Van Buskirk. See Charter Application, pp. 61, 78-79. As the Board stated: "The Board of LFNO feels extremely proud to have Jill Otis as our Principal/CEO." *Id.* at p. 79. And in the first page of its Charter Application, the Board properly recognized that hiring a principal with a proven record of creating and managing an academically challenging school was critical to Lycée's success. The Board also explicitly represented that "mindful of potential minefields, [it] will not 'micro-manage' the school." *Id.* at p. 2. Likewise, the Board stated it "is mindful that the day-to-day management of the school rests with the principal," *id.* at p. 6, and that the Board

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obligates itself to have a strong collaborative partnership with the teachers and parents of Lycée.³

Finally, the Board and its members are, as its code of ethics recognizes, “stewards of public funds.” Charter Application, p. 163. The Board is also subject to Louisiana’s Open Meetings and Public Records laws. Charter Contract, §§ 2.2.5 & 3.4.1

II. Governance and Related Problems

Some of the major problems that have led to this grievance are sketched out below. This grievance should be read in conjunction with the intervention by LDE, which appears to have identified and is seeking to correct several of these problems.

1. There has been unprecedented turnover and disruption in Lycée’s Board and administrative leadership. The Lycée Charter Application provided for nine board members, with four board officers, and with Jill Otis as principal. All four Board officers and seven of the nine original board members are gone.⁴ Most distressingly, in over little more than one year of operation, Lycée has gone through two principals, first the founder Jill Otis and then her replacement Jean-Jacques Grandiere.
2. This disruption and turnover has also exposed a fundamental flaw in the Board’s bylaws. Under those bylaws the Board is currently solely self-perpetuating – the remaining Board members fill any vacancies as they become available. This flawed process allows the remaining board members to form factions and exercise disproportionate control over the Board, and thus the school and public funds. This flawed process also excludes constituencies of teachers and parents, who are vital to Lycée’s success, from having appropriate input into the selection of Board members. Finally, this flawed process has led to the loss of Board members and administrators with educational expertise and experience in the French curriculum and in educational administration for pre-kindergarten through the lower grades currently offered by the Lycée.
3. These problems in leadership and lack of relevant educational experience has also led to the recent emergency attempt to appoint a new Academic Director that appears to be in violation of state law and the charter procedures, criteria and requirements, see Lycée Charter Application, pp. 79, 82, 87-90, and that

³ The Charter application also commits to “a strong and collaborative partnership between school leaders, teachers students and parents,” *id.* at p. 5, and that the teachers and staff will input into the day-to-day academic operation of the school. *Id.* at p. 5.

⁴ All four Board Officers touted in the Charter Application at page 61 are gone: Andrew Abrams, President; Joyous Van Buskirk, Vice Chairman; Tom Klingler, Secretary; Mignhon Tourne, Treasurer. Three of the five at large board members are gone: Alvin Bordelon; Allen Kelly; Charlotte Dupuy. *Id.* at p. 62.

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also ignored or dismissed teacher input. Per its Charter Application and commitments, Lycée is a school teaching the French national curriculum as set forth by the French Ministry of Education, including the ability to earn the French Baccalauréat. At a minimum, any Academic Director must be trained in that curriculum and certified as qualified by the French Ministry of Education. The Charter Application required the principal (of which Lycée currently does not have one) to reach out to the French Consulate in New Orleans and to CODOFIL to recruit qualified applicants for this position. *Id.*, p. 79. In addition to the process flaws (the proposed new Academic Director was originally unilaterally hired by one Board member, Dr. Jean Montés), there is no indication that this emergency hire has the appropriate academic training and credentials to be the Academic Director for Lycée. In fact, despite repeated requests, this information has still not been made publicly available.

4. The disruption caused by the lack of continuity in administrative leadership and the concomitant Board interference with and micro-management of the school have been well-documented elsewhere, including in public reports, and have come to a head over the past few months as the school has operated without a principal. Of particular importance, it has resulted in Board members Page Saleun and Jean Montés being sued for alleged misconduct related to Ms. Saleun and Dr. Montés's duties as Board members. Their actions have also exposed Lycée to potential legal liability. Unfortunately, many of the allegations in the complaint appear already to be well documented as true, and were witnessed by parents, teachers and the children at Lycée. The underlying incident on November 30, 2012, involving what is alleged to be the wrongful and tortuous termination of a teacher who was also the Special Education Coordinator, also appears to have put Lycée out of compliance with its legal obligations to students with exceptionalities under the Charter Contract and state and federal law. We were recently informed that personnel have been hired to correct this situation, and we hope this is accurate.
5. Major concerns have also arisen regarding budgeting and finance and the lack of transparency on what are public funds. For example, a contract for substantial sums has been awarded to what is understood to be a personal friend and business associate of the board members, Ms. Saleun and Dr. Montés.⁵ If appropriate transparent processes had been followed (*e.g.*, full disclosures of relationships, and approval and monitoring of the contract by independent and disinterested directors) this may have been permissible under the circumstances. However, there is no indication that any of this has

⁵ Pursuant to documents produced pursuant to a public records request, an original contract for nine months at \$1,500 a month (total \$13,500) for October 2011 to June 2012 to Sweet Olive Design and Development Company was recently substantially expanded in scope on September 1, 2012 to \$75,000 per year. This later contract was signed by Dr. Montés.

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been done to date. In addition, there are concerns over whether an outside contractor can or should have access to confidential student and parent information and student records, and what processes and procedures have been put in place to maintain the confidentiality of that information, including that this information not be shared with Board members. Finally, there are concerns over whether the state required audit and public disclosure of that audit has been timely made as required by state law. We were recently informed that the audit has been submitted to the state and will shortly be certified, and again we hope this is accurate.

6. Another item requiring immediate attention relates to the safety of the students and privacy of student records. The Charter Contract § 2.10.1 requires the school to comply with all federal and state law and state regulations on student welfare and safety, including state regulations governing the operation of school facilities. From November 2012 to January 2013, there were no administrative personnel responsible for and physically present to answer the phones, the doors, messages and parent requests, to sign in visitors, and to manage the private personal information of the students and teachers. These safety issues appear to have been recently corrected during school hours, but not during after care. This are also concerns regarding how the privacy of student and teacher's personal and personnel information, which we understand is currently in unlocked cabinets, is being maintained.

It is worthwhile to note that the unprecedented intervention by LDE can be part of the solution to these problems. LDE has also recognized that Lycée must acquire a strong Principal/CEO to manage the school, and that the Lycée Board must stop "playing roles in the operations of the school that go beyond the traditional bounds of governance." The involvement of Caroline Roemer and the Louisiana Association of Public Charter Schools, and the retention of Jeremy Hunnewell of EMH Strategy to facilitate the retention of a Principal/CEO and to make recommendations to improve the processes of the Board can be, we believe, helpful in correcting the governance problems at Lycée. There are two items of note however.

First, the source of the private funds for the engagement of EMH Strategy should be disclosed. Second, it appears that Mr. Hunnewell and EMH Strategy have substantial expertise related to organizational governance and management, but not necessarily for educational institutions.⁶ While we agree that Lycée is what the appointment letter calls an "entrepreneurial organization," it is one that is a public school with a unique mission: to teach its students using the French national curriculum, and provide them the ability to earn the French Baccalauréat. Input from teachers and other educators with knowledge and experience on these educational requirements thus will be critical to the

⁶ As of December 21, 2012, the EMH Strategy website disclosed one engagement for a school, advising on acquisition of real estate for NOCCA.

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success of this engagement.⁷ We understand that the LDE recognizes this through its call for “appropriate involvement and transparency across the school community,” and through its commitment to Lycée’s unique curriculum.

III. Proposed Resolutions

In conclusion, the recent actions at Lycée have caused “a loss of confidence in the abilities or integrity of the school.”⁸ Among other things, many parents and many of the outstanding French teachers of Lycée may be lost unless these issues are resolved promptly. The Rebuilding Trust Working Group proposes the following actions to bring Lycée back into compliance with its Charter Contract, and to restore confidence in the school:

1. Have the current board members Ms. Saleun and Dr. Montés resign, or at a minimum recuse themselves from any further Board activity, until the lawsuit against them is resolved.
2. As part of the search process for Principal/CEO with Ms. Roemer and Mr. Hunnewell, include the lead teachers and potentially other qualified outside educators in the search for a new Principal/CEO. CODOFIL should also be engaged to appoint, or assist in appointing, a qualified Interim Principal/CEO while the search occurs.
3. Have the lead teachers and an expert in the Academic requirements of French Program be on the review committee of the current Academic Director, and have the committee members named at least 30 days prior to the first 90 day review.
4. Reaffirm the commitment to the French national curriculum and the French Baccalauréat, including as per items two and three above acquiring the professional administrators and educators needed now so that Lycée can stay on track to meet its charter commitments.
5. Have one *ex officio* board member be democratically elected by the teachers and two *ex officio* boards member be democratically elected by the parents. These Board members will be non-voting, but will sit on the Board nominating committee, and will full rights to participate in and be heard at all Board meetings and functions.
6. Add and maintain outside board members as needed to ensure that the Lycée board includes at least two board members who are or have been professional educators for grades kindergarten through high school.

⁷ It will also avoid misunderstandings, such as whether an appropriate process has been followed to retain a qualified academic director.

⁸ See La. RSA 17:3992 C(1); Bulletin 126, Charter Schools § 1101.F.3.

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7. If Lycée has not already done so, hire or appoint someone to be the Special Education Coordinator so that Lycée can comply with its charter obligations and the ADA, IDEA and state law regarding students with exceptionalities.
8. Have the Board commit to meet all of its legal obligations of transparency required by its charter and Louisiana's Open Meetings and Public Records laws, and to work going forward in a collaborative and transparent way with the parent and teacher constituencies of Lycée. In these regards, the state required audit and the qualifications and resume of the emergency hire for Academic Director should be posted and made publicly available now.

* * * *

We return to where we started: Lycée is a school worth fighting for, in large part because of the outstanding and trusting learning environment created by its teachers. But as not just the members of our working group but also the LDE has recognized, the present leadership situation is untenable and unsustainable. This must be corrected promptly and confidence restored, or this stellar educational environment may be lost. Accordingly, we hope to use this grievance as a mechanism to meet and work with Ms. Roemer and Mr. Hunnewell and the members of the Board who are agreeable to taking the actions needed to solve these problems.

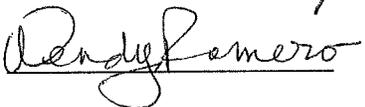
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Sincerely,

On behalf of the Rebuilding Trust Working Group:

Laura Diephuis 

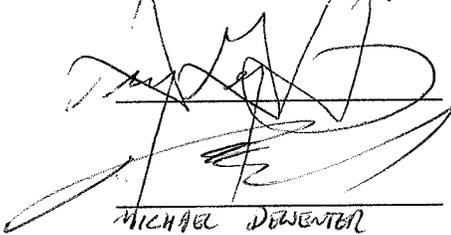
Rachael LeValley 

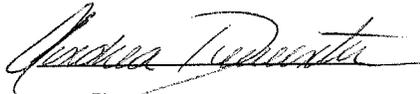
Dwight Romero  PP. MELISA
KORPFF M^cCLIFT.

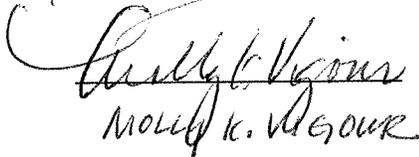
Jacklyn Hazel

Robin Young




MICHAEL DEWENTER




MOLLY K. VIGOUR

Louisiana Department of Education

Office of Parental Options

Charter School Grievance Form

Background Information: Authorizers are responsible for making sure that each charter school is executing and performing within the guidelines, standards and goals set forth in their charter agreement.

To file a grievance, follow the instructions below:

1. Contact the school leadership: Please contact school leadership for violations, issues or complaints. We encourage parents to document events and familiarize themselves with the school's guidelines and reference materials. Such items include, but are not limited to parent handbooks, student discipline policy guidebooks, dress code pamphlets, school issued memorandums, etc.

2. Appeal to the school's board of directors: If a parent or guardian is not satisfied with the outcome or decision pertaining to the incident, the parent may appeal to the school's board of directors. The board meets publicly on a regular basis. Parents are encouraged to contact the board to schedule items on the meeting agenda or with the committee that deals with such matters.

3. Appeal to the school's authorizer: If a parent is not satisfied with the board of trustee's decision, the parent may appeal to the school's authorizer. Each charter school is governed by a board of directors and is subject to oversight by its authorizer.

If the school is a Board of Elementary and Secondary Education (BESE) authorized school, please contact Jacob Landry at the Office of Parental Options at Jacob.Landry@la.gov or 225.439.6971. If the school is not a BESE authorized school, please contact your school's authorizer (school district) to obtain more information about filing a grievance. Please find the contact information for each school at <http://www.louisianaschools.net/lde/uploads/16818.pdf>.

General directions for filing your grievance:

The law does not require that your grievance be in a particular format. However, in order to ensure that your grievance is thoroughly and quickly reviewed, you should provide the following:

1. your name, address and telephone number
2. a detailed statement of the nature of the complaint (including the law or provision of the charter that you allege has been violated), the names of the individuals involved, and the time, date and place
3. when the incident(s) at issue occurred;
4. what response, if any, you have received from the school board (a copy of any response should be attached) with any relevant dates;
5. copies of any correspondence between you and the School or School Board;
6. what action or relief you are seeking;

Charter School Grievance Form

Name of School: Lycée Français de la Nouvelle-Orléans (Lycée)	
Parent/Guardian's Name: Parent and teacher group "Rebuilding Trust: A Lycée Working Group"	Telephone: Counsel for the group: Robert Rachal at 504-310-4081
Email: Counsel for the group: rrachal@proskauer.com	
Mailing address: Proskauer Rose LLP Poydras Center 650 Poydras Street, Ste. 1800 New Orleans, LA 70130-6146	
Student's Name: N/a	Grade: Applies to whole school

Step 1: Meeting with School Leadership (Principal, Ex. Director, Academic Dean, etc)

<p>Have you met with school leadership?</p> <p>N/a- As set forth in the grievance, one of the major problems is the lack of school leadership, and the problems and issues must be addressed and resolved at the Board level. Thus, we are requesting a meeting with the LFNO Board (which is the Board of Directors of Lycée) at its regularly scheduled meeting on January 14, 2013.</p>	Yes/No	Date of Meeting
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- 1—Please provide a detailed statement of the nature of the complaint, including the law or provision of the charter that you allege has been violated.
- 2—Attach any correspondence between you and the School Leadership and a written copy of the School Leadership's response to your grievance.

See attached letter

Charter School Grievance Form

Step 2: Meeting with Board of Directors

Have you met with school leadership? We are requesting a meeting with LFNO Board (which is the Board of Directors of Lycée) at its regularly scheduled meeting on January 14, 2013.	Yes/No	Date of Meeting
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Please attach a copy of the written outcome decided upon by the Board of Directors and please write a brief summary of your reason for appealing their decision:

N/a yet
